IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 7075/2002

ARJUN SINGH Vs. STATE OF RAJASTHAN & ORS.

DATE: 26.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Ajay Gupta for the petitioner.
Mr. B.S. Chhaba, Dy. GA for the State.
Mr. Anoop Dhand for the respondents.

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By way of this writ petition, the only relief claimed by the petitioner is that the respondents be restrained from constructing any road passing through the field of the petitioner bearing Khasra Nos. 268, 271 and 272 situated at village Dhalyawas, Tehsil Srimadhopur, District Sikar.

On the contrary, learned counsel appearing for the State submitted that on the complaint received from the petitioner, the Collector ordered to enquire into the matter and the A.D.M. has submitted its factual report, wherein it is submitted that gravel road has already been constructed over Khasra No. 271 and not on Khasra Nos. 268 and 272, as alleged by the petitioner.

The petitioner is still controverting this fact finding report that no such road is constructed and passes through Khasra No. 271. Now the petitioner prayed that the respondents be restrained not to construct any road.

Since disputed questions of facts are raised in this writ petition and as per the report submitted by the A.D.M., gravel road has already been constructed over Khasra No. 271 belonging to the petitioner, but the petitioner states that he is cultivating his filed and no such road exists in the field in Khasra No. 271.

Be that as it may, at this stage, I do not want to interfere in such matters and if any adverse order is passed or any further construction is made in Khasra No. 271 belonging to the petitioner, he may redress his grievance before the appropriate forum, but in any case, at this stage, I find no merit in the writ petition as it is premature.

Consequently, the writ petition stands dismissed as being premature.

The interim order dated 18.10.2002 granted by this Court is rejected. The stay application also stands dismissed.

(K.S. RATHORE),J.

/KKC/